

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

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| IN RE: | : | MISCELLANEOUS ACTION |
| | : | |
| FRANK J. MARCONE | : | NO. 08-164 |

ORDER

AND NOW, this 30th day of April, 2009, after careful consideration by this Court of Frank J. Marccone's "Motion to Reconsider the Court's Order Entered on February 18, 2009" (Docket No. 20), the Second Supplemental Report and Recommendation prepared by a committee of this Court, composed of Judge John R. Padova, Judge Bruce W. Kauffman, and Judge Juan R. Sanchez, and Mr. Marccone's Exceptions to the Second Supplemental Report and Recommendation, **IT IS HEREBY ORDERED AS FOLLOWS:**

1. Mr. Marccone's Exceptions to the Second Supplemental Report and Recommendation are **OVERRULED;**
2. The Second Supplemental Report and Recommendation is **APPROVED** and **ADOPTED;**
3. The Motion to Reconsider is **DENIED;**
4. Mr. Marccone is suspended from the practice of law in this Court for a period of two years effective on May 7, 2009 at 4:00 p.m.;

5. Mr. Marcone shall comply with the following requirements, on or before 4:00 p.m. on May 18, 2009:

(a) Mr. Marcone shall promptly notify, or cause to be notified, by registered or certified mail, return receipt requested, all clients being represented in pending matters, other than litigation or administrative proceedings, of his suspension and his consequent inability to act as an attorney after the effective date of his suspension and shall advise said clients to seek legal advice elsewhere.

(b) Mr. Marcone shall promptly notify, or cause to be notified, by registered or certified mail, return receipt requested, all clients who are involved in pending litigation or administrative proceedings, and the attorney or attorneys for each adverse party in such matter or proceeding, of his suspension and consequent inability to act as an attorney after the effective date of his suspension. The notice to be given to the client shall advise the prompt substitution of another attorney or attorneys in his place. In the event the client does not obtain substitute counsel before the effective date of Mr. Marcone's suspension, it shall be Mr. Marcone's responsibility to move in the court in which the proceeding is pending for leave to withdraw.

(c) Mr. Marcone shall not accept any new retainer or engage as attorney for another in any new case or legal matter of any nature after the entry date of this Order. However, during the period from the entry date of this Order and its effective date, he may wind up and complete, on behalf of any client, all matters which were pending on the entry date.

6. On or before 4:00 p.m. on May 20, 2009, Mr. Marcone shall file with the Clerk a verified statement showing that the provisions of this Order and these restrictions have been fully complied with and such statement shall also set forth Mr. Marcone's residence or other address where communications may thereafter be directed.

BY THE COURT:

/s/ Harvey Bartle III
Harvey Bartle III, Chief Judge